THE HONOUABLE SRI JUSTICE V.ESWARAIAH

W.P. No. 7620 of 2007

Date:13-04-2007

Between:

Shaik Mohammed Gouse .. **PETITIONER**

AND

The Commissioner for Prohibition & Excise and anther

.. **RESPONDENTS**

ORDER:

The petitioner seeks a writ of mandamus to declare the action of the respondents in colleting the licence fee for a period of 12 months i.e. from 01.07.2005 to 30.06.2006 even though the licence was issued on 06.08.2005 by the second respondent as illegal and arbitrary.

It is stated that the subject matter of this writ petition is squarely covered by the judgment of this Court in W.P.No.23415 of 2006, dated 25.04.2006 which was also confirmed by the Division Bench of this Court in W.A.No.686 of 2006, dated 19.06.2006.

The case of the petitioner is that the respondents have no right or authority except to collect the licence fee from the date of granting of licence.

Having regard to the facts of the case, the writ petition is disposed of granting liberty to the petitioner to make an appropriate representation before the respondents for the refund of the proportionate licence fee. If any such representation is made, the same shall be considered in terms of the orders of this Court in W.P.No.23415 of 2006, dated 25.04.2006 and pass appropriate orders in accordance with law within four weeks from the date of receipt of such representation. No costs.

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V.ESWARAIAH, J.

Date:13.04.2007
CCM